

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ORDER DENYING PLAINTIFF'S MOTION TO SUBPOENA WITNESSES,
GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO STRIKE
WITNESSES AND EXHIBITS LISTED IN THE PRETRIAL ORDER SUBMITTED BY
PLAINTIFF and DEFENDANT'S MOTION TO EXCLUDE PLAINTIFF'S WITNESSES
AND EXHIBITS, and DENYING PLAINTIFF'S MOTION TO OBJECT TO
DEFENDANT'S WITNESS LIST

Before the court are various motions filed by plaintiff, Ruby Johnson, and defendant, Super D Acquisition Co., a/k/a Stephen L. LaFrance Pharmacy, Inc., d/b/a Ike's ("Ike's"). Ike's filed two motions on October 11, 2006, one motion requesting the court to strike witnesses and exhibits listed in Johnson's proposed pretrial order and the other motion requesting the court to exclude witnesses other than Johnson herself and any exhibits. On October 16, 2006, Johnson filed a response to both of Ike's motions, as well as her motion to subpoena witnesses and a motion objecting to Ike's witness list. The parties have consented to the non-jury trial of this matter before the undersigned United States Magistrate Judge.

A hearing was held Wednesday, October 18, 2006. For the

reasons stated at the hearing, it is hereby ORDERED:

1. Plaintiff's motion to subpoena Witnesses is DENIED to the extent she asks the court to issue and serve subpoenas. She may, however, request and serve subpoenas herself.

2. Defendant's motions to exclude and to strike witnesses are both DENIED as to Plaintiff's witness numbers:

1. Diana N. Dioniso¹
2. Beau Beavers
5. Matthew Teeter
6. Steve Savage
7. Matthew Ingram, and
8. Jeff Patterson.

The motions are GRANTED as to plaintiff's witness numbers:

3. Angela R. Lucy
4. Dawn Wilburn-Goo.

3. Defendant's motions to exclude and to strike exhibits are both DENIED as to all exhibits listed.

4. Plaintiff's motion objecting to defendant's witnesses Nos. 10, 11, 12, 14, 16, 17, and 18 is DENIED.

Respectfully submitted this 20th day of October, 2006.

s/ Diane K. Vescovo
UNITED STATES MAGISTRATE JUDGE

¹ Defendants identified her with the spelling: Dinisisisio.